

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE, ET  
AL.,

*Plaintiffs,*

v.

TATE REEVES, in his official capacity as  
Governor of the State of Mississippi, ET  
AL.,

*Defendants.*

Case No. 3:23-cv-272-HTW-LGI

**PLAINTIFFS' MOTION FOR LEAVE  
TO FILE FIRST AMENDED  
COMPLAINT**

Pursuant to Fed. R. Civ. P. 15(a)(2), Plaintiffs respectfully move for leave to file a First Amended Complaint (“FAC”), which is attached hereto as Exhibit 1. A redline of the FAC’s changes from the original complaint is attached hereto as Exhibit 2.

As explained in the memorandum filed herewith, the proposed FAC adds seven defendants from whom Plaintiffs could obtain varying degrees of relief on Counts II and III if the Court enters a final order of dismissal of the Chief Justice and lifts the order restraining him from making the appointments to the Hinds County Circuit Court, thereby denying Plaintiffs the ability to obtain complete relief from Defendant Randolph.

To avoid piecemeal amendments, the proposed FAC adds two defendants from whom Plaintiffs could obtain partial relief on Count IV if Defendant Fitch ultimately is found not to be a proper defendant on that claim. The proposed FAC also makes minor clarifying revisions.<sup>1</sup>

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<sup>1</sup> Because the Court granted Consolidated Plaintiffs’ preliminary injunction barring the enforcement of S.B. 2343 § 1(6)(c), Plaintiffs do not raise their First Amendment challenge to that provision at this time. If the State later issues rules or regulations to effectuate that provision, Plaintiffs will promptly challenge the provision and any such rules or regulations.

Because leave to amend the pleadings should be granted “freely” and no “substantial reason” exists to deny leave, Plaintiffs respectfully request that the Court grant this motion.

Respectfully submitted this 3rd day of August, 2023.

/s/ Mark H. Lynch

Eric H. Holder, Jr., \* DC Bar # 303115  
Megan A. Crowley,\* DC Bar # 1049027  
Gary S. Guzy,\* DC Bar # 375977  
Mark H. Lynch,\* DC Bar # 193110  
Brenden J. Cline,\* DC Bar # 1021317  
**COVINGTON & BURLING LLP**  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001  
Tel: (202) 662-6000  
Fax: (202) 662-6291  
eholder@cov.com  
mcrowley@cov.com  
gguzy@cov.com  
mlynch@cov.com  
bcline@cov.com

*Counsel for NAACP*

\**Pro Hac Vice*

\*\**Pro Hac Vice* pending

/s/ Carroll Rhodes

Carroll Rhodes, MS Bar # 5314  
**LAW OFFICES OF CARROLL RHODES**  
POST OFFICE BOX 588  
HAZLEHURST, MS 39083  
Telephone: (601) 894-4323  
Fax: (601) 894-1464  
crhode@bellsouth.net

Joe R. Schottenfeld,\* DC Bar # 1735796  
Evan Walker-Wells,\*\* NY Bar # 6050645  
**NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED  
PEOPLE**  
4805 Mt. Hope Drive  
Baltimore, MD 21215  
Tel: (410) 580-5777  
Fax: (410) 358-9350  
jschottenfeld@naacpnet.org  
ewells@naacpnet.org

*Counsel for All Plaintiffs*

#### **CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2023, I electronically filed the foregoing Plaintiffs' Motion for Leave to File First Amended Complaint with the Clerk of the Court by using the Court's CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Carroll Rhodes

Carroll Rhodes